

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

AETNA HEALTH, INC., et al.,)	
)	
Plaintiffs,)	Case No. 20-905C
)	Senior Judge Loren Smith
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STIPULATION FOR ENTRY OF FINAL JUDGMENT

To resolve the complaint of plaintiffs Aetna Health, Inc., et al., and to permit the entry of final judgment on that complaint, plaintiffs and the United States (collectively, the Parties) stipulate as follows:

1. Section 1402 of the Patient Protection and Affordable Care Act (ACA) established the cost-sharing reduction (CSR) program to lower the cost of health coverage offered for eligible insureds. 42 U.S.C. § 18071.
2. On August 14, 2020, the U.S. Court of Appeals for the Federal Circuit determined that “the government violated its obligation to make cost-sharing reduction payments [to insurers] under section 1402; ‘that the cost-sharing-reduction reimbursement provision imposes an unambiguous obligation on the government to pay money[;] and that the obligation is enforceable through a damages action in the [Claims Court] under the Tucker Act.’” *Cnty. Health Choice, Inc. v. United States*, 970 F.3d 1364, 1371 (Fed. Cir. 2020) (quoting *Sanford Health Plan v. United States*, 969 F.3d 1370, 1373 (Fed. Cir. 2020)). The Federal Circuit further determined that there was “no basis for a 2017 damages offset.” *Id.* at 1372. The Supreme Court denied further review of these rulings.

3. On July 24, 2020, plaintiffs filed the complaint in this Court (ECF No. 1) seeking damages for unpaid CSR payments through December 31, 2017. The complaint asserts two counts, each seeking the same CSR payments through December 31, 2017.

4. The Parties agree that the Federal Circuit's rulings in *Community Health Choice* and *Sanford* entitle plaintiffs to payment under section 1402 of the ACA in the amount of \$6,307,749.27 (the Stipulated Amount) for unpaid CSR payments through December 31, 2017.

5. Accordingly, the Parties jointly request that the Court enter judgment in favor of plaintiffs in the amount of \$6,307,749.27 on Count I of the complaint, with each party to bear its own costs, attorney fees, and expenses.

6. The Parties further request that the Court dismiss Count II of the complaint with prejudice.

7. Upon entry of judgment in the Stipulated Amount, plaintiffs (HIOS Nos. 64844, 67190, 99129, 34822, 78611, 61671, 38408, 44794, 93187, 18973, 18628, 82824, 91716, 38234, 29497, 67129, 57451, 96601, 35670, 44527, 44240, 15438, 99663, 12028) and any and all of its affiliated entities, release the United States, its agencies, instrumentalities, officers, agents, employees, and servants, from all claims (including attorney fees, costs, and expenses of every kind and however denominated) that they have asserted, could have asserted, or may assert in the future against the United States, its agencies, instrumentalities, officers, agents, employees, and servants, relating to unpaid CSR payments through December 31, 2017.

s/ Stephen McBrady
Stephen McBrady
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
SMcBrady@crowell.com

OF COUNSEL:
Daniel Wolff
Charles Baek

CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

Attorneys for Plaintiffs

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Respectfully submitted,

BRYAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

s/Claudia Burke
CLAUDIA BURKE
Assistant Director

s/Albert S. Iarossi
ALBERT S. IAROSSO
Trial Attorney
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 626-3755
Email: albert.s.iarossi@usdoj.gov

OF COUNSEL:

DAVID M. KERR
Trial Attorney

Attorneys for Defendant